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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.3550 of 2014 (O&M)

Date of decision: September 16, 2015

Ashwani Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rohiteshwar Singh Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioner had faced trial in FIR No.132 dated 01.09.2007, under Sections 326, 324, 323 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Mukerian.

Trial Court vide order dated 12.08.2011 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 326, 324, 323 IPC. The conviction and sentence of the petitioner, as ordered by the trial Court, was upheld by the Appellate Court vide order dated 22.07.2014. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Sections 326, 324, 323 IPC, but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned

counsel has further submitted that the petitioner has undergone more than one and a half year of actual sentence. In fact, petitioner had also suffered injuries in the occurrence but during investigation, statement of the petitioner was not recorded. However, doctor who had appeared in the witness-box as PW5 had proved the injuries suffered by the petitioner. Even the investigating officer had received the information that the petitioner as well as the injured were admitted in the Hospital. Petitioner is the only bread-earner of the family and is not involved in any other criminal case.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Sections 326, 324, 323 IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. Petitioner, who is in custody be set at liberty forthwith, if not required in any other case.

Petition stands disposed of, accordingly.

(SABINA)
JUDGE

September 16, 2015
mahavir